

1934

INTOXICATING LIQUORS

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<p>INTOXICATING LIQUORS. Initiative. Amends Constitution, Article XX, section 22. Prohibits consumption, sale, or disposition for consumption on premises, of intoxicating liquors, except beer, in public saloons or barrooms; permits possession, sale, consumption or disposition of all liquors in bona fide hotels, restaurants, public eating places, and in bona fide clubs after one year's lawful operation; fixes license fees therefor, giving Board of Equalization exclusive power to change same, issue liquor licenses, collect license fees and occupation taxes requiring Legislature apportion proceeds therefrom between State, counties and cities. Continues State Liquor Control Act provisions, consistent herewith, until Legislature provides otherwise.</p>	YES	
	NO	

(For full text of measure, see page 5, part II)

Argument in Favor of Initiative Proposition No. 2

When the people two years ago voted for repeal and adopted the present enforcement law it was undoubtedly their intention to definitely repudiate prohibition with all of its evils and bring the sale of beer, wine and liquor out into the open under conditions that would make for law, order and temperance.

How far this emphatic expression of public sentiment missed its mark is indicated by the fact that it is still illegal to sell beer or wine, except with meals or to serve liquor by the drink **WITH** or **WITHOUT MEALS**. The State Supreme Court, in a recent decision, has so held and the authorities have permitted such sales to continue only until November 6th when the mandate of the people is known.

It was to meet the needs of this situation that Proposition 2 was formulated and submitted to the people. This measure, providing safe, sane and enforceable provisions, will make it clearly legal for the people to be served beer, wine and liquor by the drink with or without meals in restaurants, hotels, bona fide clubs and other legitimate eating places. At the same time the measure definitely prohibits the return of the hard liquor saloon.

Proposition 2 keeps the control of the liquor situation in the hands of the State, where it properly belongs and where it will be free of local political influences. The elective State Board of Equalization is given power to fix fees, as at present, and vested with broadened authority to eliminate undesirable places.

The issue is clear-cut. The sale of beer and wine, with or without meals, and of hard liquor by the drink, with or without meals, must stop in California after November 6th unless the people approve Proposition 2 at the polls. In voting for this proposition the people will vote for the open and regulated sale of all intoxicating liquors, with or without meals, in legitimate eating places so licensed by the State Board of Equalization.

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By voting for Proposition 2 the people will vote for an enforceable measure that will make for temperance, business stability and increased employment. By failing to adopt this measure, the people will serve notice on the authorities to attempt to enforce the present law, which can only drive the liquor business back to the unregulated speakeasy and the bootlegger.

It requires no discussion here to tell the voters what will result from such attempted enforcement. Through the long years of prohibition we saw all of the evils of the speakeasies, bedroom drinking, the debauchery of our children and the growth of an era of crime a license that will long be a blot on our count

In behalf of good government and in order to keep California in pace with the Nation in the matter of liberal and enforceable legislation entitled to public respect and observance—

VOTE "YES" ON PROPOSITION NO. 2.

S. F. B. MORSE,
President, Northern California Business Council.

BYRON C. HANNA,
President, Southern California Business Men's Association.

Argument Against Initiative Proposition No. 2

The proposed amendment is lacking in good sportsmanship; is vicious in principle; is lacking in sincerity in that it provides for saloons, by other names, though its authors profess to hate this great American institution of pre-prohibition days; it embodies in the Constitution a liquor regulatory ordinance and prohibits to local communities the inalienable right of self-determination as to the sale of intoxicating liquors within their limits. The proposed amendment should be overwhelmingly defeated; and we confidently believe that it will be, not only for the reasons herein stated, but also for many other reasons that will readily occur to each voter.

On November 8, 1932, the California Constitution was amended by the adoption of section 22, Article XX, which amendment was usually known and referred to as Number

J. This amendment permits any establishment serving food to also serve wine and beer, and gives to the State the exclusive control of intoxicating liquors (except when within the jurisdiction of the Federal government) and authorizes the Legislature to permit the sale in retail stores of liquor contained in original packages, where such liquor is not to be consumed on the premises where sold. The amendment was drafted by the liquor forces of the State and was adopted after a vigorous campaign conducted by the *same men* who are now proposing the amendment to be considered by the voters at the November election. The arguments and campaign literature made and used in 1932, pledged the people of the State of California in the language of the proposed amendment that no "public saloon, public bar or barroom, or other public drinking place where intoxicating liquors to be used for any purpose shall be kept, bought, sold, consumed, or otherwise disposed of, shall ever be established, maintained or operated within the State."

The language was designedly used to disarm the voters who might not favor prohibition and yet did not wish a return of the saloon, that had achieved such an unenviable reputation as to be denounced not only by the minority political parties, but by the platforms of the Democratic and Republican parties as well.

The campaign backers evidently believed that these restrictions, contained in the amendment adopted November 8, 1932, were necessary in order to insure its adoption.

Having succeeded in this purpose, and thereby having pledged their good faith to a fair trial of their amendment, is it good sportsmanship to now ask the voters to remove the restrictions that they themselves conceded, two short years ago, were essential in order to protect our citizens from the inherent evils incident to the unrestricted sale and consumption of intoxicating liquors; for, in substance and effect, that will be the result of the adoption of the proposed amendment to section 22 of Article XX. This amendment, if adopted, reiterates the exclusive power of the State (subject only to Federal laws) "to license and regulate" (not prohibit) intoxicating liquor within the State. It provides that intoxicating liquors "*other than beers*," shall not be consumed, bought, sold, or otherwise disposed of for consumption on the premises in any public saloon, public bar or public barroom within the State; but that, subject to this restriction, "*all intoxicating liquors* may be kept and may be bought, sold,

served, consumed, and otherwise disposed of in any bona fide hotel, restaurant, cafe, cafeteria, railroad dining or club car, passenger ship, or other public eating place, or in any bona fide club after such club has been lawfully operated for not less than one year."

Would we not have had more respect for the proponents of this amendment if they had not attempted this deception and boldly disclosed that the apparent condemnation of the "saloon" and "bar" and "barroom" was a mere subterfuge in deference to public opinion, and, that what was really intended was the removal of all restrictions upon the manufacture, sale, or consumption of intoxicating liquors, except those rules and regulations that might be imposed by a complacent Board of Equalization for the production of the greatest amount of revenue? That this would be the result is perfectly obvious from even a superficial reading of the proposed amendment. To denounce the saloon and then to provide the most ample opportunities for the sale and consumption of all intoxicating beverages on the premises where sold is an insult to the intelligence of the voters, for to change only the name of the place or places where the intoxicating liquors are sold or consumed is truly sticking in the bark and sacrificing substance to form. A saloon is a place devoted to the retailing and drinking intoxicating liquor; and its essential character is not altered by calling it by the high-sounding names contained in the proposed amendment. The places in which all intoxicating liquors may be freely sold and consumed, if the proposed amendment is adopted, are so varied, diversified and numerous that it would amount to no restriction worthy of the name, and could only have been designed to again fool the people, as the liquor forces have been prone to do at all times and under all circumstances.

Ostensibly, the proliquor gentlemen not only wish to be entrenched by constitutional guarantee, but to embody within that organic law the details of a liquor regulatory ordinance. And to think that the draftsman of the proposed amendment is a lawyer and we celebrated Constitution Day on September 17, 1934!

In common with the section sought to be amended, the right of local option is prohibited, and the control of the liquor traffic is vested exclusively in the State, or in such agencies as it may create. This is a denial of a long cherished and inalienable right in dealing with an age-long evil, and the voters should not by the adoption of the proposed amendment approve again the principle of State control.

NATHAN NEWBY,
Los Angeles, California.

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YES

NO

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution hereinafter set forth be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Article XX, Section 22, of the Constitution of the State of California is hereby amended to read as follows:

Sec. 22. In the event of the repeal of the State Prohibition Enforcement Law, commonly known as the Wright Act, and if and when it shall become lawful under the Constitution and laws of the United States to manufacture, sell, purchase, possess or transport intoxicating liquor for beverage purposes within the United States, the State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to control, license and regulate the manufacture, sale, purchase, possession, transportation and disposition of intoxicating liquor within the state; and, subject to the laws of the United States regulating commerce between foreign nations and among the states, shall have the exclusive right and power to control and regulate the importation into and the exportation from the state of intoxicating liquor; provided, however, no public saloon, public bar or barroom or other public drinking place where intoxicating liquors to be used for any purpose shall be kept, bought, sold, consumed or otherwise disposed of, shall ever be established, maintained or operated within the state; provided, further, subject to the above provisions, that in hotels, boarding houses, restaurants, cafes, cafeterias and other public eating places, wines and beer may be served and consumed

with meals furnished in good faith to the guests and patrons thereof, and the legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in original packages, where such liquor is not to be consumed on the premises where sold.

Sec. 22. The State of California, subject to the Internal Revenue Laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of intoxicating liquor within the State, and subject to the laws of the United States regulating commerce between foreign nations and among the States shall have the exclusive right and power to regulate the importation into and exportation from the State, of intoxicating liquor. Intoxicating liquors, other than beers, shall not be consumed, bought, sold, or otherwise disposed of for consumption on the premises, in any public saloon, public bar or public barroom within the State; provided, however, that subject to the aforesaid restriction, all intoxicating liquors may be kept and may be bought, sold, served, consumed, and otherwise disposed of in any bona fide hotel, restaurant, cafe, cafeteria, railroad dining or club car, passenger ship, or other public eating place, or in any bona fide club after such club has been lawfully operated for not less than one year. The State Board of Equalization shall have the exclusive power to license the manufacture, importation and sale of intoxicating liquors in this State, and to collect license fees or occupation taxes on account thereof and shall have the power, in its discretion, to deny or revoke any specific liquor license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals. It shall be unlawful for any person other than a licensee of said board to manufacture, import or sell intoxicating liquors in this State. Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of intoxicating liquors in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships,

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and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the so-called State Liquor Control Act, California Statutes 1933, Chapter 658, in so far as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors other than beers and wines, shall be \$250.00 per year, or \$62.50 per quarter-annum for seasonal businesses, subject to the power of the State Board of Equalization to change such fees.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in the original packages, where such liquor is not to be consumed on the premises where sold.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

SELECTION OF JUDGES. Initiative Constitutional Amendment.

3 Declares Supreme or Appellate Court Justice may declare candidacy to succeed himself, otherwise Governor shall nominate candidate; candidate being only one on ballot for such office, and electors voting for or against him; if defeated, or vacancy occurs, Governor appointing until next general election, but defeated person ineligible for appointment. Governor's nominations or appointments ineffective unless approved by commission comprising Chief Justice, presiding Appellate Court Justice and Attorney General. Requires retirement system. Provisions inapplicable to superior court judges until adopted by counties in manner provided by Legislature. Makes Constitutional removal and recall provisions applicable.

YES

NO

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding section 26 to Article VI thereof, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election. The proposed amendment to the Constitution is as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK-FACED TYPE to indicate that they are NEW.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 26. Within thirty days before the sixteenth day of August next preceding the expiration of his term, any justice of the Supreme Court, justice of a District Court of Appeal, or judge of a superior court in any county the electors of which have adopted provisions of this section as applicable to the judge or judges of the superior court of such county in the manner hereinafter provided, may file with the officer charged with the duty of certifying nominations for publication in the official ballot a

declaration of candidacy for election to succeed himself. If he does not file such declaration the Governor must nominate a suitable person for the office before the sixteenth day of September, by filing such nomination with the officer charged with said duty of certifying nominations.

In either event, the name of such candidate shall be placed upon the ballot for the ensuing general election in November in substantially the following form:

For _____
(title of office)

Shall _____
(name)

be elected to the office for the term expiring January _____?
(year)

Yes

No

No name shall be placed upon the ballot as a candidate for any of said judicial offices except that of a person so declaring or so nominated. If a majority of the electors voting upon such candidacy vote "yes," such person shall be elected to said office. If a majority of those voting thereon vot